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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,662	03/15/2004	Jong Hwan Kim	8733.041.10-US	8586
30827                      7590                      04/15/2009 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				
EXAMINER WILLIAMS, JOSEPH L				
ART UNIT		PAPER NUMBER		
2889				
MAIL DATE		DELIVERY MODE		
04/15/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/799,662

**Applicant(s)**

KIM ET AL.

**Examiner**

Joseph L. Williams

**Art Unit**

2889

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 56-63, 65-76, 78-88, 90-119, 128-132, 141-145 and 150-154 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-63, 65-76, 78-88, 90-119, 128-132, 141-145 and 150-154 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment filed on has been entered and overcomes the objection to the claim.

The allowability of the claims of the last office action has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 104 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 104 recites the limitation "the hinge arm" in line two (2) of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 56, 57, 59, 60, 63, 67, 69-73, 76, 80, 82-85, 88, 92, 94, 95, 98, 99, 101, 102, 105, 106, 108-111, 115-117, 128, 130-132, 141, 143-145, 150, 153, and 154 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 56-69 of copending Application No. 11/096079. Although the conflicting claims are not identical, they are not patentably distinct from each other because the same subject matter is claimed by using some different terminologies, such as: a flat panel display device verse a flat panel display apparatus, and a housing verse a case.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 56-63 and 65 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 89-95 and 99-103 of copending Application No. 11/096,080. Although the conflicting claims are not identical, they are not patentably distinct from each other. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 56, 57, 59, 60, 63, 67, 69-73, 76, 80, 82-85, 88, 92, 94, 95, 98, 99, 101, 102, 105, 106, 108-111, 115-117, 128, 130-132, 141, 143-145, 150, 153, and 154 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 35-37, 40, 42, 47, 49, and 54-56 of U.S. Patent No. 6,501,641. Although the conflicting claims are not identical, they are not patentably distinct from each other because the same subject matter is claimed by using some different terminologies, such as: a flat panel display device verse a flat panel display apparatus, and a housing verse a case.

Claims 56, 57, 59, 60, 63, 67, 69-73, 76, 80, 82-85, 88, 92, 94, 95, 98, 99, 101, 102, 105, 106, 108-111, 115-117, 128, 130-132, 141, 143-145, 150, 153, and 154 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 33-35 and 39-41 of U.S. Patent No. 6,498,718. Although the conflicting claims are not identical, they are not patentably distinct from each other because the same subject matter is claimed by using some different terminologies, such as: a flat panel display device verse a flat panel display apparatus, and a housing verse a case.

3. Claims 66, 68, 74, 75, 78, 79, 81, 86, 87, 90, 91, 93, 97, 100, 107, 118, 129, 142, 151, and 152 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 56-69 of copending Application No. 11/096,079 in view of Yun et al. (US 5835139).

Regarding claims 66, 78, 79, 90, 91, and 112-114, 11/096,079 teaches all of the claimed limitations except for the fastening part includes a certain number of fastening holes at comers of the first frame.

However, the number of fastening holes is obvious choice in design based upon the desire to secure the display to the frame.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use fastening holes in the display of 11/096079 for the purpose of securely attaching the frame.

Regarding claims 68, 81, 93, 100, and 107, 11/096,079 teaches all of the claimed limitations except for the diffuser and prism unit.

Further regarding claims 68, 81, 93, 100 and 107, Yun ('139) teaches a display device comprised of, in part, a diffuser and prism for the purpose of improving the light output of the display.

Hence it would have been obvious to one of ordinary skill at the time the invention was made to use the diffuser and prism of Yun in the display of 11/096,079 for the purpose of improving the light output of the display.

Regarding claims 74, 75, 86, 87, 97, 104, 129, 142, and 151, teaches all of the claimed limitations except for the claimed hinge structure.

However, it is well known in the art to use a hinge to attach to frames of a display for the purpose of being able to access the interior to make repairs.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use hinges in the display of 11/096079 for the purpose of being able to access the interior to make repairs.

Regarding claims 96, 103, 118, and 152, 11/096,079 teaches all of the claimed limitations except for the use of screws.

However, the use of screws is obvious choice in design based upon the desire to secure the display to the frame.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use screws in the display of 11/096079 for the purpose of securely attaching the frame.

This is a provisional obviousness-type double patenting rejection.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Williams/  
Primary Examiner, Art Unit 2889